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SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

March 24, 2016

To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hamai
Chief Executive Officer

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Fifth District

STATUS REPORT ON THE IMPLEMENTATION OF PROPOSITION 47 TASKFORCES (ITEM 3, AGENDA OF DECEMBER 1, 2015)

On December 1, 2015, the Board instructed: 1) the Public Defender (PD) and Chief Executive Office (CEO) to convene a Proposition 47 Taskforce (Taskforce 1) responsible for identifying, contacting, and providing legal relief to individuals eligible to have certain felony convictions reduced to a misdemeanor; 2) the CEO and the Interim Director of the Office of Diversion and Re-entry (OD&R) to convene a Prop 47 Jobs and Services Taskforce (Taskforce 2) responsible for developing public-private partnerships to provide access to workforce development, employment opportunities, and wraparound services such as housing, healthcare, mental health treatment, and substance use disorder treatment; 3) the CEO to seek legislative changes to extend or eliminate the deadline for individuals to apply for Prop 47 legal relief; and 4) to provide a 90 day report back on implementation strategies.

STATUS SUMMARY

Prop 47 reflects a shift in the criminal justice system away from punitive incarceration and toward rehabilitative diversion programs and community based support services that help individuals successfully reintegrate into society. This report is focused on the legal relief and support services for individuals who have completed their sentence (out-of-custody) for a felony conviction that is eligible for reduction to a misdemeanor.

Taskforce 1 led by the PD and Taskforce 2 led by Community and Senior Services (CSS) have been working closely to ensure the outreach campaign and both public and private service providers are coordinated. Multiple meetings with County partners and community stakeholders have been convened to develop strategies to identify and contact eligible individuals, provide legal relief, and connect them with community support services and employment opportunities. Several workgroups were subsequently established to focus on each aspect of the Board

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motion. The following identifies the workgroups and summarizes the progress to date and proposed coordinated implementation plan:

Taskforce 1 (Lead: Public Defender)

- Database Workgroup: Approximately 819,000 potentially eligible cases have been identified through the development of a consolidated Prop 47 database. The database will be the foundation of the Prop 47 outreach, services, and employment efforts.
- Outreach Workgroup: The outreach campaign being developed includes direct mailers and broader mass media marketing to maximize community awareness. The marketing rollout schedule will be coordinated with recommendations to increase the resources needed to respond to inquiries generated by the campaign.
- Legal Services: The PD and Alternate Public Defender (APD) have successfully provided, within existing resources, legal relief to 25,700 clients to date. The proposed outreach campaign will further increase the demand on the PD, APD, and District Attorney (DA) staff.

Taskforce 2 (Lead: Community and Senior Services)

- Community Partnership Workgroup: CSS has taken a lead role in developing the public-private partnerships for community based support services and employment opportunities. Several programs are being developed.
- Geographic Information Systems (GIS) Workgroup: CSS and the Chief Information Office (CIO), in collaboration with several departments, is developing a GIS map of Prop 47 clients and existing public and private service providers to help facilitate an informed decision on where additional resources need to be deployed.

Budget and Legislation (Lead: Chief Executive Office)

- Prop 47 does not provide funding for the due diligence required by both defense and prosecution to process petitions (in-custody) and applications (out-of-custody) for legal relief nor the outreach to raise awareness in the community. A budget recommendation is being developed and will be submitted to the Board for consideration within 30 days.
- The CEO's Legislative Affairs and Intergovernmental Relations Division has successfully introduced County-sponsored AB 2765 (Weber) which, if enacted, would eliminate the November 2017 deadline to file an application to reduce a Prop 47 eligible felony conviction to a misdemeanor.

The underlying objective of this project is to establish a collaborative public-private effort to successfully reintegrate justice-involved individuals back into society. Therefore, individuals seeking Prop 47 legal relief will be connected to public and private social services that can provide stabilization of their living situation, rehabilitative supportive services (mental health treatment, substance use disorder treatment, wrap-around services, etc.), pre-employment

training, and employment opportunities. Attachment 1 provides details on the efforts of the Taskforces.

NEXT STEPS

Our Office will continue to work with both Taskforces and each of the Workgroups. Progress in each of the areas highlighted in this report will be updated each quarter.

We will also return within 30 days with a Board Letter containing budget recommendations for the outreach campaign, database and GIS projects, and staffing. The Board letter will also include a detailed outreach implementation plan to support the funding requested.

If you have any questions, please contact Sheila Williams at (213) 974-1155, or David Turla at (213) 458-6357 or at dturla@ceo.lacounty.gov.

SAH:JJ:SW
DT:cg

Attachment

c: District Attorney
Sheriff
Executive Office, Board of Supervisors
County Counsel
Alternate Public Defender
Chief Information Office
Community and Senior Services
Information Systems Advisory Body
Internal Services
Office of Diversion and Re-entry
Public Defender

BACKGROUND

PROP 47 OVERVIEW AND DEFINING ELIGIBLE CLIENTS

Approved by voters on November 4, 2014, Prop 47, also known as the Safe Neighborhoods and Schools Act, reduced certain drug and property crimes from a felony to a misdemeanor¹. Therefore, anyone arrested today on a Prop 47 offense who does not have a disqualifying prior conviction would be considered a misdemeanor offender. This report is focused on providing legal relief to individuals who are out-of-custody and whose criminal record contains a Prop 47 felony conviction(s) that is eligible for reduction to a misdemeanor with no other disqualifying felony convictions (specified serious, violent, sexual felony convictions).

For the remainder of this report, individuals eligible for Prop 47 legal relief will be referred to as eligible clients since they will be recipients of the corresponding legal, support, and employment services. Prop 47 is fully retroactive which means the eligible population includes clients whose felony convictions go back to the 1980s or earlier. Another point of clarification is eligible clients are only those who were convicted in Los Angeles County. Current residents whose criminal record includes a Prop 47 eligible felony in another county will be referred to the public defender of that jurisdiction.

A felony conviction has major consequences for an individual, such as being subject to search and seizure as a court mandated condition of probation or parole. In addition, a felony record precludes employment in certain fields, professional licensing, service in the armed forces, access to federal health care programs, housing opportunities, voting rights, serving on a jury, etc. Interestingly, individuals with a felony record may be eligible for General Relief, General Relief Opportunity for Work, CalFresh, and Medi-Cal.

The legal relief provided under Prop 47 may remove significant barriers to successful re-entry back into society. However, access to the aforementioned opportunities is subject to an individual's entire criminal record which means other non-Prop 47 felony convictions may continue to adversely affect an individual despite having received Prop 47 legal relief.

TASKFORCE 1: IDENTIFY, OUTREACH, AND LEGAL RELIEF

DATABASE WORKGROUP

The PD, CIO, and Information Systems Advisory Body (ISAB) are collaborating with the other County justice departments to develop a consolidated Prop 47 database that identifies potential eligible clients and includes the following data fields:

- Charge
- Date of conviction
- Last known address
- Legal agency/representative

¹ The CEO's February 27, 2015 "Preliminary Assessment of Proposition 47 Implementation, Reclassification of Certain Felonies to Misdemeanors" report provides an overview of the change in law.

Caution should be taken with respect to the accuracy of the Prop 47 database because the data sources are from several legacy systems which have conflicting and inconsistent data definitions. Limitations of the data include the quality of the data capture, availability of sufficient data, and duplications. The Database Workgroup is continuing to validate and refine the Prop 47 database. They are also working to reconcile the Prop 47 database with Superior Courts' report that approximately 47,200 filings for legal relief have been submitted between November 2014 and February 2016.

Based on the Database Workgroup's efforts to date, approximately 819,000 cases have been identified that may potentially be eligible for Prop 47 legal relief, see Table 1. It should be noted that an eligible client may have multiple Prop 47 cases.

Table 1: Estimated Population of Prop 47 Eligible Cases

Defense Representative	Potential Cases (as of 3/15/16)	
Public Defender	565,000	69%
Alternate Public Defender	82,000	10%
Privately Retained Counsel	115,000	14%
Court Appointed Counsel	49,000	6%
Pro Per	8,000	1%
Total	819,000	

The number of potential cases reflects the fully retroactive nature of Prop 47 with this estimate including records that go back several decades. It is also important to highlight that actual eligibility can only be determined after a thorough review of an individual's criminal record and the legal aspects of each case. For example, the Prop 47 database may identify eligibility, but a review of the criminal record may include other disqualifying felony convictions or the circumstances of the case do not meet Prop 47 criteria (e.g. the theft exceeded the \$950 threshold).

OUTREACH WORKGROUP

The outreach workgroup has two primary tasks: locate eligible clients and develop an outreach campaign.

Locate Eligible Clients

The ideal outreach scenario is to directly contact each eligible client. The Prop 47 database generally contains the last known address; however, the contact information may be inaccurate due to the client either having moved (especially in cases that are decades old), are transient or homeless, or deceased. As such, the accuracy of the contact information diminishes over time. Table 2 provides an approximation of potential eligible clients by Supervisorial District based on the last known address.

TABLE 2: Estimated Distribution of Eligible Clients

Supervisorial District	
1 st District	20%
2 nd District	35%
3 rd District	14%
4 th District	17%
5 th District	14%

The first attempt to update potential eligible client's last known address was to look internally. Assuming eligible clients may have recently accessed County services, meetings were convened to discuss various potential options of sharing contact information between County departments, including the public safety departments, Department of Health Services, Department of Mental Health, Department of Public Health, Department of Social Services (DPSS), Department of Children and Family Services, CSS, and the Registrar-Recorder.

County Counsel has advised that health and human services records, including client identity, are protected by both State and federal laws which may impose civil and criminal penalties for violations. In most instances, a client's specific written authorization must first be obtained by the County department prior to making a disclosure of a client's personally identifying information, or the content of the client's County service record. Further, in some instances and for some types of records, written authorization is not enough; a court order authorizing release is needed for each individual. There are very limited instances where personally identifying client information may be disclosed without the client's authorization. However, unauthorized disclosure of a client's personally identifiable information to the PD or APD for purposes of attempting Prop 47 eligibility notification, does not come within statutory exceptions to these confidentiality laws.

In light of these privacy restrictions, the PD is proposing to engage a commercial people locator service to obtain the last best known address for the Prop 47 database.

Outreach Campaign

Although Prop 47 was passed by voters in November 2014, the level of awareness in the community and among eligible clients is unknown. A large proportion of cases are old and eligible clients have since moved on living with a felony record. Others are transient or homeless with little contact with the media, which provided limited coverage of Prop 47. The outreach that has been performed have been limited to pilot programs for mailers to eligible clients by the PD and APD, events co-hosted by community advocates, and the general work that advocates and providers do in the community.

Given the pending sunset date of November 2017 to file for legal relief, Taskforce 1 is developing a multi-prong outreach campaign to raise awareness of the available Prop 47 legal relief and corresponding support services, as described below in priority order:

1. **Direct Mailings:** Since the passage of Prop 47, the PD and APD have been directly mailing letters/notices to eligible clients. With this Board directive, they are looking to significantly increase the volume of direct mailers with the assistance of a commercial people locator

service. In addition, and keeping in mind the aforementioned privacy restrictions, the PD and CSS are working with County Counsel and the Department of Public Social Services to determine the feasibility of including generic Prop 47 informational material in their regular correspondence (e.g. benefit statements) to clients.

Central to this direct mailing effort will be the development of a mailing schedule that balances their legal resource capacity to the potential volume of responses from eligible clients, discussed further in the *Capacity of Legal Resources* section.

2. **211 County Portal and Call Center:** The CEO is working with 211 LA County (211) to amend the existing agreement to add Prop 47 call center services and to host an online Prop 47 portal. 211 will be integral in the success of the outreach campaign because all marketing materials will direct inquiries to the 211 call center or portal.

The 211 service operators and online portal will provide individuals with a general overview of Prop 47 and references/links to the legal, rehabilitative, and community support services available. 211 service operators will direct callers not to disclose any criminal history because that information should only be discussed between the individual and their legal representative. The CEO is also looking at engaging 211 for Prop 47 case management services for those eligible clients who call with complicated service needs and require assistance navigating through the system.

3. **Public Transit:** Advertising on public transit provides broad exposure and potentially reaches a significant number of clients who are either public transportation passengers (interior advertisements) or through street-viewership (exterior advertisements). The PD is working with the Los Angeles Department of Transportation and Metropolitan Transit Authority to identify prospective routes throughout the County.
4. **In-Office Ads:** Considering eligible clients may be utilizing other County services, Taskforce 1 has designed simple low cost advertisements that include posters, countertop stands, and business cards. These advertisements could easily be distributed to County department's public service offices and to community providers.
5. **Events and Legal Clinics:** Taskforce 1 will continue to co-host and/or participate in two to three community outreach events per month, including major community and holiday events, such as the Taste of Soul, Martin Luther King Day, and Cesar Chavez Day. Onsite services include Prop 47 education, initiating petitions for eligible clients, and linking them to other County services and community based providers.
6. **Online Social Media:** Online advertising is an integral part of any outreach campaign given today's tech-centric culture. Regardless of age and economic status, most people engage in online communication and activity either through home computers, laptops, smartphones, or even library computers. Taskforce 1 is working with Google and Facebook to develop effective strategies and advertising algorithms that post webpage advertisements when someone triggers Prop 47 relevant key words or submits general online inquiries related to criminal justice. Following a one month lead time, the social media campaign would run from August 2016 through November 2017.
7. **Mobile Outreach Teams:** Based on experience, the PD anticipates a significant number of eligible clients to be homeless. The PD is working with the countywide Homeless Initiative to possibly partner with the Los Angeles Homeless Services Authority's field team to go into

the community and provide direct services to eligible clients. The PD deems this effort is vitally important because this population of eligible clients are the least likely to be aware of Prop 47 and contact the County for assistance.

Our Office is reviewing the budget proposals for the outreach campaign and anticipate a Board Letter will be submitted within 30 days containing budget recommendations and additional details of the outreach campaign, including schedules, maps, and examples of the advertisements.

LEGAL SERVICES

Unless a potential eligible client was represented by APD or the Indigent Criminal Defense Appointments (ICDA) panel, the PD is the default legal representative to assist individuals seeking Prop 47 legal relief. This includes the approximately 15 percent of eligible cases the Prop 47 database identified as either represented by private counsel or pro per (self-representation). Representation for these individuals is problematic because the PD does not have access to their case files.

The legal service provided by the PD and APD include reviewing a potential eligible client's criminal record, researching the case, determining eligibility, filing petitions or applications, and appearing at hearings. Likewise, the DA reviews all petitions and applications filed with the Superior Court for eligibility regardless of the source of defense representation, files responses to those petitions and applications, determines whether or not to contest the petitions or applications, and litigates contested petitions or applications at court hearings. The DA must also contact affected victims to provide notice and an opportunity to be heard with respect to resentencing under Prop 47.

Current Legal Relief Activity

Upon the passage of Prop 47, the PD and APD's immediate priority was to provide legal relief to clients who were incarcerated and then to those who were on felony probation or parole. The departments are now primarily handling client-initiated requests for out-of-custody reductions and cases where clients are arrested on Prop 47 related bench warrants. The PD and APD have not initiated any automated petition or application filings which, given the volume, has the potential of overwhelming the justice system's capacity with unvetted cases, as has occurred in another jurisdiction. Table 3 reflects the PD and APD's legal relief efforts since November 2014. As previously noted, the Database Workgroup is reconciling records with the Superior Court.

TABLE 3: Prop 47 Legal Relief Statistics

Law Firm	Cases Reviewed Ineligible		Petitions & Applications (as of 2/15/16)			
			Granted	Denied	Pending	TOTAL FILINGS
Public Defender	36,500	13,100	21,000	1,600	800	23,400
Alternate Public Defender	14,600	9,100	4,700	200	600	5,500
TOTAL	51,100	22,200	25,700	1,800	1,400	28,900

As previously noted, the PD and APD have been partnering with Neighborhood Legal Services of Los Angeles County, Californians for Safety and Justice, and many other agencies to co-host Prop 47 education and legal aide tables at community events.

Capacity of Legal Resources

Prop 47 does not provide funding to support the legal representation and prosecutorial review required to process the legal relief through the courts. The due diligence required can be a time intensive manual process of reviewing case files, some dating back decades. The DA, PD, and APD have been redirecting existing resources (attorneys, paralegals, and other staff) to manage the additional Prop 47 caseload they have absorbed during the past 16 months.

The Prop 47 outreach campaign is unprecedented and the response rate and corresponding caseload is unknown. For example, the PD conducted a small direct mailing pilot that resulted in an approximately 20-25% response rate. In contrast, the APD conducted a more extensive direct mailing which produced a 1.3% response rate after distributing 4,700 mailers to clients whose case was heard in the last three years. Other inquiries have come to the PD and APD from a wide spectrum of individuals with a felony record, including: actual eligible clients, those who are not eligible because of their criminal history, and those who may be eligible for other legal relief such as expungement. Under each circumstance, staff time is needed to respond and research eligibility.

Taskforce 1 anticipates the outreach campaign will generate increased inquiries that will eclipse the department's current capacity. The following steps have been taken to accommodate these inquiries and potential eligible client workload:

- The 211 call center and Prop 47 portal will be on the frontline to manage the inquiries, provide an overview of Prop 47 eligibility, and direct potential eligible clients to the corresponding legal, social, and support resources.
- The PD will be expanding its summer law clerk program. The additional law clerks will spend at least half of their time working on Prop 47.
- Local law schools have been contacted to see if their student clinical and adjunct programs possess the capacity to assist eligible clients with the Prop 47 petition and application process. Some community based organizations are already working with college and law students through clinical and adjunct programs. Inquiry in this area is ongoing.
- The PD is also in the process of contacting law firms in the Los Angeles area for the purpose of determining whether, through their pro bono programs, there is any interest in providing attorneys and/or summer associates to work with individuals eligible for Prop 47 relief.

As previously noted, several legal aid groups are already working with eligible clients in the community. Generally, these groups analyze eligibility and assist clients in completing Prop 47 paperwork.

The DA and PD have submitted budget requests for additional staff which is discussed later in the budget section. The APD will be submitting a budget request after the extent of the County's outreach efforts has been determined.

TASKFORCE 2: JOBS AND SERVICES

The OD&R is working with all of the Health Agency departments to compile a list of available services by geographic location within the County. The OD&R has partnered with other County departments to participate in several grants and inaugural programs that are designed to help the justice-involved population, including Prop 47 eligible clients, to enroll for Medi-caid/Cal benefits and develop a comprehensive network of resources and programs to meet their medical, mental health, and substance use treatment needs. On March 14, 2016, a separate OD&R report was submitted to the Board detailing the housing, healthcare, mental health treatment, substance use disorder treatment, and wraparound services that are being developed in the community.

With respect to the jobs component of Taskforce 2, the remainder of this section highlights the efforts initiated by CSS:

COMMUNITY PARTNERSHIP WORKGROUP

The Community Partnership Workgroup (CPW) was initially started by CSS to build the Taskforce 2 public-private partnerships. However, as a result of the close collaboration between CSS and the PD and the integration needed between legal assistance and support services, the scope of this workgroup now encompasses both Taskforces.

CPW Kick-off Meeting

On February 9, 2016, the PD, Californians for Safety and Justice, and Neighborhood Legal Services Los Angeles, co-hosted a Prop 47 community partnership meeting at the offices of CSS in East Los Angeles. Participating stakeholders included representatives from various County departments, community-based organizations, faith-based organizations, legal aid service providers, Los Angeles City representatives, and representatives from advocacy groups. Participants were invited to consider their unique roles and how they can contribute to the Prop 47 outreach campaign, legal aid, and support services. This kick-off meeting has improved public-private communications and continued the process of identifying existing public and private resources available to assist eligible clients, detecting unmet needs and challenges, and initiating the relationships, networks and steps for building an effective infrastructure for re-entry and support services.

Second Chance Community-Based Support Services and Employment Opportunities

CSS has been developing the countywide public-private partnerships to support the re-entry population, not just the Prop 47 eligible clients. CSS has been collaborating with the OD&R, other County departments, community-based organizations, and other private and public partners to develop a comprehensive Second Chance Workforce Development Program (Second Chance) to expand capacity and expertise to support the re-entry population, including:

- Coordination of services for mental health and substance use treatment services, housing, wrap-around services, family reunification, and education.
- Implementation of workforce development service strategies that incorporate sustainable interagency coordination, streamlined service delivery and the expansion of Second Chance employment and training opportunities.

In addition to reducing recidivism, the objective of Second Chance is to provide individuals with a comprehensive support network to become independent and eventually reduce their reliance on entitlement and safety-net programs. CSS, in coordination with other County departments and community agencies that work with this population, are implementing the following:

- **Jail-Based Job Centers:** In partnership with the Sheriff's Department, the Quality and Productivity Commission and other County departments, a Jail-Based Job Center will be established at the Pitchess Detention Center to provide a bridge for individuals released from the jail into the County's Workforce Development System. Similar plans are underway to seek funding to establish a women's job center at the Sheriff's Century Regional Detention Facility in Lynwood.
- **System Navigators:** CSS secured an \$800,000 grant from the Board of State and Community Corrections to establish a dedicated team of navigators to assist the re-entry population with employment services. The navigators will provide hands-on intensive soft skill job preparation, enhanced social skill development, peer support, and system navigation to the County's America's Job Centers of California (AJCC) system. Each AJCC will ensure specialized career planning, job training, job development, employment placement, on-the-job training and job coach supports.
- **Offender Workforce Development Program:** In partnership with Probation and the National Institute of Corrections (NIC), probationers will be enrolled in an NIC designed evidence-based multidisciplinary rehabilitation and job attainment program utilizing local/regional workforce resources. The program includes education and skill development, retention strategies, system navigation, intervention and the creation of a rehabilitation and career attainment support team that includes the probation officer.
- **Connections with Businesses:** CSS has a team of staff developing and implementing a multi-layered business services strategy with over 1,700 employers to educate and create interest in hiring Second Chance participants. In addition, CSS is building a coalition of Second Chance Business Champions that can help promote and create opportunities through business to business engagement and to work with CSS to identify and develop ongoing strategies that create bridge and permanent career pathways for the re-entry population.
- **Social Enterprises Businesses:** CSS is working with the Department of Consumer and Business Affairs to identify and work with social enterprise businesses. These businesses have traditionally hired under-served populations, including individuals with a criminal record. To support these companies and expand the capacity of burgeoning social enterprises, CSS will increase the number of on the job training and other workforce development efforts that support the expansion of social enterprise businesses in the County.
- **Employer Incentive Programs:** CSS plans to coordinate business workshops to educate employers on Work Opportunity Tax Credits (WOTC) and the EDD Fidelity Bonding Program. The WOTC provides tax incentives to employers that hire ex-offenders and other target populations. The Fidelity Bonding Program provides no cost bonds to employers to protect them against possible theft, dishonesty, or fraudulent acts to alleviate employers' concerns about hiring ex-offenders and at-risk job applicants.
- **Leverage Training:** CSS is working with its network of educational institutions, including community colleges, adult schools and other eligible training providers, to design training

programs that not only meet the needs of employers, but are also appropriate for the re-entry population. To the extent possible, CSS intends to leverage funding from Pell Grants and other State and federal grants that are available to support the training needs of low income individuals.

- **Job and Hiring Events:** CSS will organize job and hiring events geared towards the re-entry population, including eligible clients. These events will target employers and re-entry populations in the Antelope Valley, Santa Clarita, San Gabriel Valley, Central Los Angeles, South Bay, West Los Angeles and Gateway Cities.
- **Special Outreach to Youth and Individuals Receiving Public Assistance:** CSS is working with DPSS and the PD to identify eligible clients who are receiving General Relief and link them to employment opportunities, training, and services. In addition, in partnership with Probation, CSS is developing strategies for youth in the juvenile halls and camps with opportunities to participate in the summer employment program and be enrolled in the County's workforce programs.
- **Collaboration and Partnerships:** CSS will be working closely with public agencies, community and faith-based organizations that work with the re-entry population to ensure successful reintegration, build systematic support, and facilitate information sharing and coordination between agencies. Community partners include the Los Angeles Regional Re-entry Partnership (also known as LARRP) which is a network of community-based organizations working to assist previously incarcerated men and women reintegrate back into their communities.

Another example of collaboration and partnership is with the Volunteers of America, Greater Los Angeles' Re-Entry Career Pathways Collaborative (VOALA). VOALA is a Skid Row based initiative serving the re-entry population with employment, education, training, and other wrap-around services. VOALA is funded with the Training to Work 2 – Adult Re-entry Grant from the Department of Labor and is comprised of organizations with significant expertise and success transitioning long-term incarcerated individuals into sustainable employment. Partners include A New Way of Life Re-entry Project, Community Education Centers, Behavioral Systems Southwest - Hollywood Re-Entry Parolee Service Center, U.S. District Court Probation Office, Federal Department of Corrections, Marvin Gardens, Orion, Five Keys Charter, Working Wardrobes, PV Jobs, and the Inner-City Law Center.

In addition to the ten strategies outlined above, CSS is working in partnership with other County departments to address the need for an online tracking and referral system for all eligible clients.

GEOGRAPHIC INFORMATION SYSTEMS WORKGROUP

CSS has established a Prop 47 GIS Workgroup to map the locations of eligible clients and existing public and private service providers for the purpose of facilitating a needs-resource assessment. This will be a powerful tool for informed decision making. The OD&R can use the gap analysis to recommend how new resources can be deployed, including mental health, medical, substance use treatment, housing, support services, veterans affairs services, employment, etc.

BUDGET & LEGISLATION

STAFFING

Our Office is currently reviewing requests from the departments for additional budgeted positions, primarily paralegal staff. A budget strategy is being developed to provide departments with staffing flexibility that is responsive to the caseload volume. One option is to incrementally add staff as the outreach campaign scales up; however, each incremental increase would be subject to the caseload volume generated to date.

MARKETING AND CALL CENTER

Our Office is also reviewing budgets for the outreach campaign. The majority of these projects involve print and electronic media marketing costs. The 211 call center will require a statement of work, negotiations, and a contract.

FUNDING SOURCES

Pursuant to the Prop 47 statute, funding will be made available in Spring 2017. However, those funds are restricted to grants to community-based service providers for support services (65%), truancy prevention (25%), and victims assistance programs (10%). To mitigate net County cost, our office is researching alternative funding sources for Prop 47, including:

- **OD&R Funds:** The OD&R has been requested to consider funding the one-time marketing costs.
- **Information Technology Fund:** The CIO has been requested to support the Prop 47 database and GIS project.
- **AB 109 Local Innovation Funds:** Commencing in FY 2016-17, AB109 requires counties to annually redirect ten percent of the four existing AB 109 funds to establish a Local Innovation Subaccount (Innovation Fund). The Board determines the expenditure priorities of the Innovation Fund which must be within the scope of AB 109's anti-recidivism objectives. The annual funding level for the Innovation Fund is subject to the prior-year revenues. Therefore, the amount of funding will not be known until after September 2016. Upon availability, our Office will consider Prop 47 programs in developing the Innovation Fund budget recommendations which should coincide with AB 109's October through September budget cycle.
- **AB 109 Revocation Funds:** Considering eligible clients are a sub-population of AB109's non-serious, non-violent, non-sex offender population, County Counsel was requested to evaluate whether the DA, PD, and APD legal costs for Prop 47 are eligible for funding with AB 109 Revocation Funds. Unfortunately, those funds are specifically restricted to AB 109 court revocation proceedings. The Board may consider seeking a legislative change to permit use of AB 109 Revocation Funds for Prop 47 legal relief services.
- **Commission of State Mandates:** County Counsel has advised that the additional workload created by Prop 47 for the PD, APD, and DA does not constitute "costs mandated by the State;" thereby, these expenses are ineligible for reimbursement from the Commission on State Mandates.

LEGISLATION (PROP 47 SUNSET PROVISION)

Assembly Member Shirley Weber (79th District – San Diego) has introduced County-sponsored AB 2765 which, on February 19, 2016, which would eliminate the November 2017 deadline to file an application to reduce a Prop 47 eligible felony conviction to a misdemeanor. As provided by Prop 47, any amendments to the Act which further its intent must be passed by a two-thirds vote from each house of the Legislature and signed by the Governor. AB 2765 is currently pending hearing in the Assembly Public Safety Committee.

The County is co-sponsoring this measure with Californians for Safety and Justice, the sponsors of Prop 47, and San Diego District Attorney, Bonnie M. Dumanis.



JOHN NAIMO
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

April 5, 2016

TO: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: John Naimo
Auditor-Controller

SUBJECT: **PROPOSITION 47 - ANALYSIS OF COST SAVINGS AND SERVICE IMPROVEMENTS (Board Agenda Item 3, December 1, 2015)**

On December 1, 2015, your Board of Supervisors (Board) instructed the Auditor-Controller (A-C) to:

- Conduct an analysis of Proposition 47 (Prop 47) to determine if the affected County departments possess a method of capturing, tracking, or measuring the costs, savings, and service improvements (or declines) associated with the implementation of Prop 47.
- Describe the approaches and methodologies used to assess Prop 47 savings and make available to the public the underlying data used.
- Identify if other peer counties possess a method of capturing such costs and savings that Los Angeles County could adopt as a best practice.
- Propose a methodology to reallocate future cost savings to assist the Public Defender (PD) and Alternate Public Defender (APD) in the timely filing of Prop 47 petitions and applications for sentence reductions.
- Obtain and consider input from interested research organizations during our analysis.

Background and Scope

On November 5, 2014, Prop 47 became law, reducing the classification of certain non-violent and non-serious drug possession and property crimes from felonies to misdemeanors. Individuals currently incarcerated for a conviction that qualifies under Prop 47, and who have no prior conviction for a specified violent or sexual offense, may file a petition to have their qualifying conviction reclassified as a misdemeanor and be resentenced. Individuals who are not currently incarcerated or under the Court's supervision for a Prop 47 qualified conviction, may apply to have their felony conviction reduced. Petitions and applications generally must be filed by November 2017.

We reviewed the impact of Prop 47 for eight County departments: Sheriff's Department (Sheriff), Probation Department (Probation), District Attorney (DA), PD, APD, Department of Health Services (DHS), Department of Public Health (DPH), and Department of Mental Health (DMH). Our review included discussions with departmental subject matter experts, analyzing available expenditures, staffing, and workload documentation, and preliminarily estimating the Fiscal Year (FY) 2015-16 cost savings (or increases), and the value of potential workload changes attributed to Prop 47. We also contacted neighboring counties and relevant agencies/organizations.

Review Highlights

Tracking of Costs, Savings, and Service Improvements (or Declines)

Our review noted that none of the eight affected departments reviewed have methods to capture, track, and measure the costs, savings, and/or service improvements (or reductions) attributed to the Prop 47 population. As a result, departments cannot accurately estimate and/or quantify the cost savings (or increases) and impact of Prop 47 to their current and future operations at this time.

While there is currently no mechanism to accurately quantify the impact of Prop 47 to each department, we attempted to estimate the costs, savings, and/or service improvements (or reductions) based on the limited amount of data available from each department at the time of our review. The estimates included in this report are not intended to be used or considered for budgetary or decision-making purposes since departments could not isolate the portion of workload changes that were attributed to Prop 47. In addition, in some instances, departmental resources were, or will be, redeployed from Prop 47 workload and shifted to other priorities and/or caseloads.

Estimates of Potential Costs and Savings

Sheriff and DPH indicated that they may have savings, and DMH indicated that they may have cost increases as a result of Prop 47. We preliminarily estimated the total net Prop 47 cost savings to be approximately \$9.2 million for FY 2015-16. Specifically:

- **Sheriff and DPH** - Estimated cost savings of approximately \$13.7 million and \$1.1 million, respectively. The Sheriff's savings are related to an estimated decrease in services and supplies expenditures for items such as food, laundry services, and medicine. DPH's savings are related to a decrease in substance abuse treatment services costs provided by contracted clinical service providers. The Sheriff indicated that not all of the amount identified can be attributed to Prop 47 since they would have reduced the number of jail beds in some overcrowded housing areas, and would have to address the increase in inmates diagnosed with mental health needs, irrespective of the enactment of Prop 47. Sheriff and DPH also indicated that any estimated cost savings were, or will be, used to address other service improvements, shortfalls, etc.
- **DMH** - Estimated cost increase of approximately \$5.6 million related to an increase in costs for mental health services provided by contractors.

Estimates of Workload Changes

Seven of the eight departments (all except DPH since all of their treatment services are contracted) appear to have seen changes in their workload due to Prop 47. While these workload changes do not result in realizable savings available for reallocation, we preliminarily estimated the value of the Prop 47 workload changes is approximately \$37.5 million for FY 2015-16. Specifically:

- **Sheriff** - The Sheriff's estimate a workload reduction attributed to Prop 47 of approximately \$41.6 million in FY 2015-16 based on hypothetical scenarios for major operational changes (i.e., the closure of jail facilities/areas). However, the Sheriff indicated that they are continuing to conduct many of their operations in excess of defined capacities, and reductions because of Prop 47 have allowed them to address emerging critical needs such as a higher volume of inmates with mental health needs.
- **Probation** - We estimate a workload reduction of approximately \$3.4 million due to a decrease in the number of probationers, primarily due to the Superior Court being responsible for monitoring misdemeanor probationers. However, Probation indicated that their caseload sizes continue to exceed national standards, and that they used the caseload efficiencies to increase their participation in other projects.
- **PD and APD** - We estimate workload increases of approximately \$3.3 million and \$728,000, respectively. PD and APD indicated that while there may be a reduction in Prop 47 felony cases, they have seen an offsetting increase in serious felony cases and an increase in misdemeanor workload. In addition, PD and APD have been tasked with filing Prop 47 petitions and applications.

- **DA** - DA management indicated that workload changes cannot be reasonably estimated at this time since they track caseloads at the local area office level and that each area office has unique caseload data metrics. In addition, similar to PD and APD, the DA has been tasked with reviewing all Prop 47 filings.
- **DHS and DMH** - We estimate that the value of the workload changes is a decrease of approximately \$767,000 and an increase of approximately \$4.2 million, respectively. DHS reported a reduction in costs for services provided to inmates in DHS facilities, and DMH reported an increase in services provided by DMH staff.

Best Practices to Quantify Cost Savings (or Increases)

We contacted the counties of Orange, Riverside, San Bernardino, and San Diego to identify best practices, and noted that all four counties did not track and quantify Prop 47 cost savings and/or increases at the time of our review.

Methodology for Reallocating Cost Savings

The Prop 47 County Taskforce (Taskforce) is responsible for formulating a Countywide plan to identify eligible residents, facilitate their filing of applications for resentencing, and explore the feasibility of extending or eliminating the application sunset date. As such, once the Taskforce's plan is developed, we recommend Sheriff and DPH calculate their anticipated cost savings that could assist (if available and needed) PD and APD with Prop 47 eligible resident petitions and applications.

The complete results of our review are included in Attachment I.

Review of Report

We discussed our report with each of the eight impacted departments. To expedite this report prior to consideration of next year's budget, we did not solicit written responses from each department for attachment to this report, as is typically our process. Departments have been advised that they may respond directly to your Board.

We thank management and staff from each department for their cooperation and assistance during our review. If you have any questions please call me, or your staff may contact Robert Smythe at (213) 253-0100.

JN:AB:PH:RS:JU

Attachments

c: Sachi A. Hamai, Chief Executive Officer
Jim McDonnell, Sheriff
Jackie Lacey, District Attorney
Calvin C. Remington, Interim Chief Probation Officer
Ronald L. Brown, Public Defender
Janice Y Fukai, Alternate Public Defender
Robin Kay, Ph.D., Acting Director, Department of Mental Health
Mitchell H. Katz, M.D., Director, Los Angeles County Health Agency
Cynthia A. Harding, M.P.H., Interim Director, Department of Public Health
Lori Glasgow, Executive Officer, Board of Supervisors
Public Information Office
Audit Committee

**PROPOSITION 47
ANALYSIS OF COST SAVINGS AND SERVICE IMPROVEMENTS
FISCAL YEAR 2015-16**

Background

On November 5, 2014, California voter initiative Proposition 47 (Prop 47 or Proposition) became law, reducing the classification of certain non-violent and non-serious drug possession and property crimes from felonies to misdemeanors. Individuals who were convicted of these crimes prior to Prop 47 may have their sentence reduced or prior record updated if they also have no prior conviction for a specified violent or sexual offense, and file for a sentence reduction by the November 2017 deadline, except under certain hardship conditions. As detailed below, to file for a sentence reduction, individuals must either file a petition for resentencing or an application for reclassification.

- **Petition** - Individuals currently incarcerated or under the Court's supervision (i.e., probation or parole) for a conviction that qualifies under Prop 47 may file a petition to have their qualifying conviction reclassified as a misdemeanor and be resentenced.
- **Application** - Individuals convicted of Prop 47 crimes who have completed their sentence may apply to have their felony conviction reclassified to a misdemeanor.

In addition, individuals whose cases are in the pre-conviction phase of a crime that qualifies under Prop 47 may request (generally through oral motions, no filing required) to have their pending charge reduced from a felony to a misdemeanor.

As detailed in Table 1 below, the number of petitions filed has decreased and the number of new applications filed has generally increased each quarter since Prop 47 became effective in November 2014. The trend of a reduced number of petitions in more recent quarters may be attributed to a surge after the initial passage of Prop 47 since incarcerated individuals could get their sentence reduced if their petitions were granted. In addition, as of November 5, 2014, all crimes that fall under Prop 47 are charged as misdemeanors. The increase in the number of applications filed quarterly may be due to a variety of factors, including increased awareness of eligibility, outreach, etc.

Table 1 Proposition 47 Petitions, Applications, and Pre-convictions Statistics November 2014 through December 2015						
	Nov to Dec 2014	Jan to Mar 2015	Apr to June 2015	July to Sept 2015	Oct to Dec 2015	Total
Petitions	5,410	7,445	3,287	2,171	1,191	19,504
Applications	2,128	3,294	3,598	4,820	4,045	17,885
Total New Filings:	7,538	10,739	6,885	6,991	5,236	37,389
Pre-convictions	4,764	1,985	720	415	208	8,092
Total Prop 47 Workload:	12,302	12,724	7,605	7,406	5,444	45,481

Source: Superior Court of California, County of Los Angeles (unaudited)

Prop 47 has an impact on the workload and/or expenditures of eight County departments, including the Sheriff's Department (Sheriff), Probation Department (Probation), Public Defender (PD), Alternate Public Defender (APD), District Attorney (DA), Department of Health Services (DHS), Department of Public Health (DPH), and Department of Mental Health (DMH).

Scope

On December 1, 2015, the Board of Supervisors (Board) instructed the Auditor-Controller (A-C) to:

- (a) Conduct an analysis of Prop 47 to determine if the affected County departments possess a method of capturing, tracking, or measuring the costs, savings, and service improvements (or declines) associated with the implementation of Prop 47.
- (b) Describe the approaches and methodologies used to assess Prop 47 savings and make available to the public the underlying data used.
- (c) Identify if other peer counties possess a method of capturing such costs and savings that Los Angeles County could adopt as a best practice.
- (d) Propose a methodology to reallocate future cost savings to assist the PD and APD in the timely filing of Prop 47 petitions and applications for sentence reductions.
- (e) Obtain and consider input from interested research organizations during our analysis.

Our review included discussions with subject matter experts within each of the impacted County departments and analyzing available documentation of expenditures, staffing, and workload changes. We also contacted neighboring counties, and other relevant

agencies/organizations: the Advancement Project, Legislative Analyst's Office (LAO), the County of Los Angeles Information System Advisory Board, the American Civil Liberties Union (ACLU), and the RAND Corporation.

In addition, we preliminarily estimated the Fiscal Year (FY) 2015-16 cost savings (or increase), and the value of potential workload changes attributed to Prop 47 that appear to have been reallocated and/or reinvested to create other efficiencies, improve services, address other needs, etc.

LAO Prop 47 Impact Analysis to Counties

The LAO is a nonpartisan government agency that provides fiscal and policy advice to the State Legislature, and whose function includes analyzing the Governor's annual budget and reporting on special topics of interest to the Legislature. In February 2015, the LAO issued "The 2015-16 Budget: Implementation of Proposition 47" report that included an analysis of the impact of Prop 47 to both the State and counties.

The LAO report estimated that counties spend several hundred million dollars on workload that will be eliminated by Prop 47, and that "local decisions on how to respond to this workload reduction will determine whether it results in cost savings or improvements to the administration of local criminal justice systems." For example, the LAO's report indicated that Prop 47 will free up county jail beds. However, since many counties were overcrowded before Prop 47, the decrease in workload will allow certain inmates to serve a higher percentage of their sentence, instead of being released early due to jail overcrowding.

In the sections below, we identify areas where departments may have some realizable cost savings, and other areas where departments appear to have workload reductions attributed to Prop 47 that have been reallocated or reinvested, but no cost savings.

(a) Tracking of Prop 47 Cost Savings

All eight departments indicated that they do not track cost savings (or increases) and/or service improvements (or reductions) attributable to Prop 47. We noted that departments currently do not have methods to capture, track, and measure the costs, savings, and/or service improvements (or reductions) attributed to the Prop 47 population.

Several departments expressed concerns with the difficulty in isolating the Prop 47 impact to their workloads because of other concurrent factors (e.g., normal fluctuations, changing demographics, impact of other funding/programs, etc.), and thus are concerned about the accuracy and reliability of data they provide on Prop 47 impacts. Some departments also indicated that they may have a lack of infrastructure (i.e., information systems capable of isolating Prop 47 data) or legal restrictions (e.g., mental health client privacy rights, etc.) that hinder their ability to track Prop 47's impact. In addition, in some instances, departmental resources were, or will be, redeployed from

Prop 47 workload to other Board or departmental priorities, and/or to high need or emerging caseloads. It is important that such workload shifts be measured, documented, and reported.

However, to improve the accountability and transparency of any realizable cost savings (or increases) and the value of workload changes attributed to Prop 47, departments should immediately implement procedures and mechanisms to accurately track workload changes and impacts specific to Prop 47, and consider the tracking mechanisms identified in Attachment II. Once departments implement these tracking mechanisms, they should estimate and/or project any anticipated cost savings (or increases) and potential impacts to their current and future operations, and report the results to the Board at least annually. Departments that do not believe they currently have the ability to track future Prop 47 savings should report their tracking challenges and potential solutions to the Board. Departments should also consider including other contextual data/information (e.g., crime statistics, recidivism rates, etc.) as it relates to Prop 47 in their reports to the Board.

Recommendations

County departments impacted by Proposition 47:

- 1. Immediately implement procedures and mechanisms to accurately track workload changes and impacts specific to Proposition 47, and consider the tracking mechanisms identified in Attachment II.**
- 2. Estimate and/or project any cost savings (or increases) due to Proposition 47 and potential impacts to their operations, and report the results to the Board of Supervisors at least annually. If departments do not believe they currently have the ability to track future Proposition 47 savings, they should report their tracking challenges and potential solutions to the Board of Supervisors.**
- 3. Consider including other contextual data/information as it relates to Proposition 47 in their reports to the Board of Supervisors.**

(b) Estimated Potential Cost Savings and the Value of Workload Changes

While there is currently no mechanism to accurately quantify the impact of Prop 47 to each department, we estimated the potential cost savings (or increase), and the value of workload changes based on the limited data available and provided by each department at the time of our review.

The amounts identified are meant to be preliminary estimates and are not intended to be used or considered for budgetary or decision-making purposes since sufficient data is not available to determine at this time the portion of the workload decrease/increase that is uniquely attributed to Prop 47. Once departments develop sufficient historical

Prop 47 data/information, they will be able to report more accurate and reliable estimates of cost savings and impacts to their respective workloads.

Estimated Potential Cost Savings/Increases

Our review noted that two of the eight departments (Sheriff and DPH) indicated that they may have cost savings, and one department (DMH) indicated that they may have potential cost increases. While we were not able to precisely determine the source of the cost savings (or increases), based on our review of available data, we preliminarily estimated the total net Prop 47 cost savings to be approximately \$9.2 million for FY 2015-16. Details of each department's cost savings/increases are indicated below.

Sheriff - Inmates released or never incarcerated as a result of Prop 47 will cause a decline in expenditures for services and supplies (S&S), such as food, clothing, laundry, and medical and dental services/supplies. Based on an estimate of \$20.35 per inmate per day for these incremental costs (marginal cost rate), and an average reduction of 1,840 jail inmates per day (see Table 3), we preliminarily estimate the savings to be approximately \$13.7 million for FY 2015-16.

The Sheriff indicated that not all of the amount identified can be attributed to Prop 47 since they would have reduced the number of jail beds by converting two-person cells to single-person cells in some of the more severely overcrowded housing areas, and would have to address the increase in the number of inmates diagnosed with mental health needs, irrespective of the enactment of Prop 47. In addition, the Sheriff indicated that any cost savings from reductions of S&S costs were used to address other service improvements and/or Custody shortfalls, such as Public Safety Realignment Act (AB109), unanticipated pricing increases in food and medicine, etc. Subsequent annual cost savings will also vary depending on changes to the marginal cost rate and the average reduction of inmates per day. We further discuss the Sheriff's future cost savings in the "Methodology for Reallocating Cost Savings" section.

DPH - DPH reported a decrease in costs for substance abuse treatment services provided by contracted clinical service providers. Specifically, payments to contracted providers decreased by approximately \$1.1 million or 8% of the \$13.7 million in total payments. This decrease is based on a comparison of pre-Prop 47 (November 4, 2013 to September 30, 2014) and post-Prop 47 (November 4, 2014 to September 30, 2015) payments to providers. DPH management indicated that any cost savings from the reduction in contractor payments were and continue to be redirected to fund other treatment services and residential care for the Substance Abuse Prevention and Control Program.

DMH - DMH reported a slight increase in costs for mental health services provided by contractors. Specifically, payments to contracted providers increased by \$5.6 million or 0.6% of payments totaling \$884.8 million, in the 12 months after Prop 47 compared to the 12 months prior. DMH does not have mechanisms in place to conclusively link these payment increases to the impact of Prop 47.

The remaining five departments (Probation, PD, APD, DA, and DHS) indicated they do not have any cost savings (or increases) attributed to Prop 47 since they have not had, nor plan to have layoffs or staffing reductions. In addition, any reductions to S&S costs are not material.

Workload Changes Attributed to Prop 47

We identified areas from seven of the eight departments (all except DPH since all of their treatment services are contracted) where overall workload changed after Prop 47 took effect. While we were not able to determine the source of the cost savings (or increases) at this time, we preliminarily estimated the value of these changes to be approximately \$37.5 million for FY 2015-16.

As mentioned, the values identified in Table 2 below are not realizable savings available for reallocation, but rather the potential value of the overall workload decreases/increases. Any workload reductions may also have resulted in other operational improvements, efficiencies, and/or offset needs. Details of the potential value of the changes in each department's workload due to Prop 47 and the reallocation/reinvestment of those resources are described below.

Table 2 Potential Value of Overall Workload Changes For FY 2015-16	
<u>Department</u>	<u>Est Value of Workload Decrease/(Increase)</u>
Sheriff	\$ 41,600,000
Probation	3,400,000
Public Defender	(3,300,000)
Alternate Public Defender	(728,000)
District Attorney	(A)
Mental Health	(4,200,000)
Health Services	767,000
Countywide Total Potential Value	\$ 37,539,000
(A) The District Attorney could not provide data to estimate the potential value of overall workload changes. This is discussed further below.	

Sheriff - The Sheriff indicated that to estimate the impact of Prop 47, the reduction in costs must be measured through hypothetical scenarios for major operational changes (i.e., the closure of jail facilities/areas). The Sheriff preliminarily estimates that major operational changes could result in a reduction of costs of approximately \$41.6 million for FY 2015-16.

However, the Sheriff indicated that they could not realize cost reductions because they are continuing to utilize all of their facilities, and since staffing levels are primarily dictated by the logistics of where the staff are deployed rather than clients served. For example, security checks for a module within a jail require the same number of staff regardless of the number of beds occupied. In addition, the Sheriff indicated that they remain over their maximum jail capacities, and that any reductions in the number of inmates attributed to Prop 47 allowed the Sheriff to increase the percentage of time served for higher risk inmates, and to address the higher volume of inmates with mental health needs, as discussed further below.

Early Releases Due to Jail Overcrowding

The Sheriff indicated that while Prop 47 freed jail space, the space vacated was immediately filled with inmates who were previously being released early due to jail overcrowding. As noted in Table 3 below, based on Sheriff data/information, early releases due to housing capacity have declined by approximately 14,300 inmates in the year after Prop 47 took effect. The Sheriff also provided data to demonstrate that for several of their jail facilities, they continue to exceed the “Rated Capacity” as defined by an independent statutory agency (the Board of State and Community Corrections), and that they have taken steps to reduce the number of jail beds to help comply with jail regulatory standards.

In addition, while the Sheriff has the legal authority to release or refuse inmates due to jail overcrowding (*May 1988 Dennis Rutherford vs. Sherman Block court order/stipulation*), they do not appear to have legal authority to release inmates early for cost or funding considerations.

Table 3 Sheriff Inmate Population Before and After Prop 47 Implementation			
	Nov 2013 to Oct 2014	Nov 2014 to Oct 2015	Difference
Estimated Average Daily Inmate Population	18,990	17,150	(1,840)
Number of Early Releases (Due to Housing Capacity)	34,800	20,500	(14,300)
Estimated Average Monthly Inmate Population with Mental Health Needs	3,460	3,610	150
<i>Source: Sheriff's Replicated Automated Jail Information System (RAJIS) (unaudited)</i>			

Increase in Inmates with Mental Health Needs

The Sheriff indicated that the decrease in the inmate population attributed to Prop 47 was also offset with a growing population of inmates with mental health needs. These inmates require more housing space since they generally cannot be housed with other inmates, and require additional monitoring/oversight than the general inmate population. Based on Sheriff data/information, the average number of inmates with mental health

needs increased by approximately 150 inmates (4%) per month in the year after Prop 47 took effect, and as of December 2015, the Sheriff had 3,992 inmates with mental health needs.

Sheriff management indicated that they have converted more jail housing space to accommodate the change in the mental health demographics of the inmate population (e.g., Twin Towers, portions of Men's Central Jail, etc.), and as a result the maximum jail capacity at these facilities has declined. The Sheriff also indicated that inmates with mental health needs cost more to house since they generally require more security checks, medications, and have dietary restrictions. Sheriff management indicated that they are currently working with the Chief Executive Office to obtain funding for overtime costs related to these additional security checks.

Probation - The \$3.4 million in workload reduction for Probation is a result of a reduced number of probationers and is primarily due to the Superior Court being responsible for monitoring misdemeanor probationers. We estimated these costs by calculating the hypothetical staffing savings given the decrease in caseload per Deputy Probation Officer (DPO). Specifically, Probation could save approximately 28.5 DPO II positions, at an annual salary and employee benefits cost of approximately \$121,000 each, to maintain the pre-Prop 47 caseload levels.

While Probation's workload has decreased, Probation management indicated that they still remain above national standards, as recommended by the American Probation and Parole Association. In addition, we contacted probation departments in four other counties (Orange, Riverside, San Bernardino, and San Diego), and noted that Los Angeles County's Probation caseloads are generally higher than those in the other counties. As a result, the slight decrease in workload has helped Probation caseloads drop closer to caseload standards, and closer to the current practices of other counties. Probation workloads are generally categorized into high, medium, and low risk, and AB109 probationers. See Table 4 below for the change in caseload per DPO by risk level.

Table 4 Probation Caseload per DPO by Risk Level Workload Reduction			
	As of Sept 2014	As of Oct 2015	Increase/ (Decrease)
High Risk	91	79	(12)
Medium Risk	52	55	3
Low Risk	688	639	(49)
AB109	42	38	(4)

Source: Probation (unaudited)

Probation management also indicated that the decrease in workload has resulted in additional resources available to increase their effectiveness and involvement in other

initiatives. For example, Probation management indicated that they have increased their involvement in various homelessness, mental health, and diversion initiatives.

PD, APD, and DA - The \$3.3 million in PD cost increases is based on the increased overall caseload for the PD's felony offices. Overall, the PD has seen an increase in serious felony cases that are more labor intensive for the PD to defend. While there is no evidence to indicate the increase is related to the passage of Prop 47, this has more than offset any decrease in felonies due to Prop 47. We estimated these costs by calculating the hypothetical staffing needs of their felony offices based on the increased felony workload. Specifically, PD has seen an average increase of approximately 6% in their workload, and would need an additional 15.6 attorney positions, at an estimated average annual salary and employee benefits cost of approximately \$211,000 each, to maintain the pre-Prop 47 caseload levels. Due to the lack of available data, we were not able to estimate the impact on PD's misdemeanor offices.

The \$728,000 in APD cost increases is based on the increased overall caseload for all of the APD's offices. For the 12 months after Prop 47, APD reported a decrease in felonies of 19%, increase in misdemeanors of 21%, and a decrease in juvenile cases of 17%. We estimated the cost increases by calculating the staffing needs based on the changes in workload. Specifically, APD hypothetically would need an additional 3.18 attorney/paralegal positions, at an estimated average annual salary and employee benefits cost of approximately \$229,000 each, to maintain the pre-Prop 47 caseload levels.

PD and APD both indicated that in addition to changes in their regular workload, they have been tasked with reviewing, filing, and processing Prop 47 petitions and applications. Due to the limited data available, neither department could estimate the cost impact of this additional workload. See Table 5 below for the additional workload incurred due to Prop 47 petitions and applications from November 2014 through February 2016.

Table 5 PD and APD Petitions and Applications Increased Workload Attributed to Prop 47 November 2014 through February 2016		
	<u>PD</u>	<u>APD</u>
Petitions/Applications Resolved in the Courts	27,400	5,000
Estimated Petitions/Applications Pending, Denied, etc.	32,600	9,000
Total Petitions/Applications Workload	60,000	14,000
<i>Source: Information System Advisory Board, Public Defender, and Alternate Public Defender (unaudited)</i>		

At the current workload, the APD indicated that they do not need additional staffing, while PD indicated that they need additional resources. However, if the County does outreach and receives an influx of Prop 47 applications, the departments will need to

reevaluate their staffing and other needs. We further discuss departments future needs in the "Methodology for Reallocating Cost Savings" section.

The DA indicated that Prop 47 has resulted in a decrease in felony filings, but similar to PD and APD, they have seen a rise in serious felonies that are more labor intensive (the DA is responsible for prosecuting all felonies in the County). However, we could not estimate the value of any overall workload change to their operations at this time. Specifically, DA management indicated that each area office has unique caseload data metrics and their own internal databases. Therefore, there is no department-wide data available to reasonably estimate the impact.

Similar to PD and APD, the DA has seen an increase in workload due to Prop 47 applications and petitions. The DA is responsible for reviewing all filed petitions and applications to ensure individuals are eligible for reclassification. In addition, the DA is responsible for reviewing all Prop 47 pre-conviction filings. As detailed in Table 1 above, the DA has reviewed approximately 45,500 Prop 47 petitions, applications, and pre-conviction filings. Due to the limited data available, we could not estimate the cost impact of this additional workload.

All three departments also indicated that after resolving Prop 47 petitions and applications, staff will return to their normal work duties/responsibilities, which will likely be beyond the November 2017 filing deadline since petitions and applications require additional work subsequent to filing. The caseloads for the responsibilities to which staff return will need to be reassessed based upon the volume of case filings at the time.

DMH - Reported an increase in mental health services provided by DMH staff for the 12 months after Prop 47 compared to the 12 months prior. Specifically, the cost of directly operated services increased by approximately \$4.2 million (or 1.6% of \$263 million). Costs for directly operated services are based on billing rates approved by the Board annually. DMH provided a report from their Integrated System that automatically calculates directly operated service costs using these approved billing rates based on the type and length of service entered by the clinical staff. DMH management indicated that they cannot determine if/how much of these changes in workload were the direct result of Prop 47 and/or other factors.

DHS - Reported a reduction in the costs for services provided to inmates in the DHS facilities from FY 2013-14 to FY 2014-15 (since monthly data was not available). Specifically, costs for services decreased by approximately \$767,000 (or 1% of \$84.6 million). These costs are estimated using a per-service cost model developed by DHS for inpatient and outpatient care. Specifically, while the inpatient workload slightly decreased (1,194 less patient days), the inpatient cost per visit increased by \$131 per day, resulting in a net decrease of costs. In addition, both the outpatient workload and cost per visit increased; the outpatient visits increased by 775 and the cost per visit increased by \$30. DHS management indicated that they cannot determine if/how much of these changes in workload were directly impacted by Prop 47 and/or other factors.

(c) Best Practices to Quantify Cost Savings (or Increases)

The Board directed the A-C to examine best practices used by other counties to quantify savings. We contacted the counties of Orange, Riverside, San Bernardino, and San Diego to identify and analyze how each county tracks and quantifies Prop 47 cost savings.

At the time of our review, we noted that all four counties indicated that they do not track and quantify Prop 47 cost savings or increases. We also contacted the ACLU (a nonprofit organization that works to protect and promote civil liberties), who issued a report on Prop 47 in November 2015, in an attempt to identify other counties that they may be aware of that are tracking Prop 47 cost savings. The ACLU indicated that they were not aware of any county that currently tracks cost savings from Prop 47.

(d) Methodology for Reallocating Cost Savings

The Prop 47 County Taskforce (Taskforce), comprised of representatives from local criminal justice and social service agencies, is responsible for formulating a Countywide plan to identify eligible residents and facilitate applications for resentencing, and to explore the feasibility of extending or eliminating the application sunset date. As such, once the Taskforce's plan is developed, we recommend the following to ensure that PD and APD have sufficient resources to file petitions and applications before the three-year deadline (November 2017):

- Sheriff calculate the anticipated Prop 47 services and supplies cost savings for inmate marginal costs such as food, laundry, medicine, etc.
- DPH calculate the anticipated cost savings related to decreased public health admissions for contracted clinical services.
- PD and APD reevaluate their anticipated staffing and other needs to ensure that all applications received for sentence reductions are filed before the deadline. As mentioned above, these departments need more data on the additional workload to determine their staffing needs. These departments also need to plan for the timing and source of their staffing (e.g., permanent staff and/or contracted services) to be responsive to the workload estimated by the Taskforce and/or the actual workload experienced.

We reiterate that while the Sheriff and DPH have experienced some savings, they are unable to determine at this time if the savings are solely due to Prop 47 or from a range of other causes. Sheriff management also indicated that any cost savings from Prop 47 are used to cover other Custody shortfalls, such as AB109, unanticipated price increases for food and medicine, etc.

Recommendations

- 4. Sheriff's Department and the Department of Public Health each report to the Board of Supervisors the anticipated cost savings attributed to Proposition 47 once more accurate and reliable estimates are available and/or at least annually thereafter.**
- 5. Public Defender and Alternate Public Defender analyze and report to the Board of Supervisors their anticipated future workload changes and resource needs to expeditiously file applications received by the November 2017 deadline.**

(e) Input From Interested Research Organizations

The Board instructed the A-C to obtain and consider input from interested research organizations during our analysis. As part of our review, we discussed our audit scope with representatives from the Advancement Project (a civil rights organization that uses tools and strategies to inspire community-based solutions and impact policy changes), and the RAND Corporation (a nonprofit institution that uses research and analysis to develop solutions to public policy issues). Our final report incorporates relevant suggestions from the Advancement Project and RAND Corporation on our audit scope and methodologies for calculating cost and workload savings/increases. We have expressed to these organizations our availability to share the data that supports our findings.

In addition, we contacted the LAO and ACLU to discuss portions of their prior Prop 47 reports.

County of Los Angeles Proposition 47 - Analysis of Cost Savings and Service Improvements Recommended Proposition 47 Data Tracking (A)	
Sheriff	A. Average number of Prop 47 arrests and inmates. B. Average length of stay for inmates currently in custody and percentage of time served. C. Average marginal services and supplies cost per inmate.
Probation	A. Number of supervised adults that qualify under Prop 47. A.1 Breakdown of risk type/level of supervision. A.2 Number of probation violations. B. Number of supervised juveniles that qualify under Prop 47. B.1 Breakdown of risk type/level of supervision. B.2 Number of probation violations.
District Attorney	A. Number of cases that fall under Prop 47. B. Number of staff assigned to Prop 47 eligible cases.
Public Defender	A. Number of cases that fall under Prop 47. B. Number of staff assigned to Prop 47 eligible cases.
Alternate Public Defender	A. Number of cases that fall under Prop 47. B. Number of staff assigned to Prop 47 eligible cases.
Health Services	A. Number of patients that fall under Prop 47. B. Number of inpatient visits for Prop 47 patients. C. Number of outpatient visits for Prop 47 patients.
Public Health	A. Number of patients that fall under Prop 47. B. Payments made to contracted clinics for Prop 47 patients.
Mental Health	A. Number of clients that fall under Prop 47. B. Number of directly operated visits with Prop 47 clients. C. Payments made to contracted clinicians for Prop 47 clients.
(A) In cases where departments do not believe they have the ability to track future Prop 47 savings, they should report their tracking challenges and potential solutions to the Board of Supervisors.	



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



April 4, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

**LOS ANGELES COUNTY SHERIFF'S DEPARTMENT RESPONSE TO THE
AUDITOR-CONTROLLER'S PROPOSITION 47 - ANALYSIS
OF COST SAVINGS AND SERVICE IMPROVEMENTS**

On December 1, 2015, the Board instructed the Auditor-Controller (A-C) to:

- Conduct an analysis of Proposition 47 (Prop 47) to determine if the affected Los Angeles County (County) departments possess a method of capturing, tracking, or measuring the costs, savings, and service improvements (or declines) associated with the implementation of Prop 47.
- Describe the approaches and methodologies used to assess Prop 47 savings and make available to the public the underlying data used.
- Identify if other peer counties possess a method of capturing such costs and savings that the County could adopt as a best practice.
- Propose a methodology to reallocate future cost savings to assist the Public Defender (PD) and Alternate Public Defender (APD) in the timely filing of Prop 47 applications and petitions for sentence reductions.
- Obtain and consider input from interested research organizations during our analysis.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

INTRODUCTION

Since the Board's December 1, 2015, instruction, the A-C has been diligently working with a number of Prop 47-affected County departments, including the Los Angeles County Sheriff's Department (Department). The A-C has exhibited a tireless and persistent effort to understand and document each department's unique set of circumstances when it comes to not only the direct and indirect impacts of Prop 47, but also each department's existing and emerging challenges as they relate to operations, programs, and fiscal impact. After months of time, energy, and hard work the A-C has completed their analysis and has shared their findings with the Board's Offices and the affected departments. In response to the A-C's completed analysis, I would like to take this opportunity to provide the following comments as it relates to the A-C's final report.

THE IMPACT OF PROP 47

The passage of Prop 47 allowed the Department the flexibility to increase the percentage release of County sentenced inmate population. Once the population stabilized in December 2014, the Department began raising the percentage of time served from 20 percent to 70 percent for both males and females, resulting in an increase of percentage time served for 14,300 inmates the following year. It must be noted that the adjustment of this percentage, which mitigates jail overcrowding, is authorized by the Federal Court pursuant to a 1988 Court Order arising from the Rutherford vs. Block lawsuit, commonly referred to as the "Rutherford Decision."

Prop 47 immediately preceded a dramatic rise in the Department's mental health population within Custody Operations. To address and enhance the service needs of our most severe mentally ill inmates, 2-man cells were converted to single-man cells resulting in the loss of approximately 772 bunks. The expansion of these High Observation areas also forced the Department to remove an additional 556 dayroom bunks from housing areas that were previously general population or step-down areas of mental health units. This increased mental health housing resulted in the unavailability of 1,328 bunks.

POPULATION ADJUSTMENTS NOT RELATED TO PROP 47

Under the leadership of Assistant Sheriff Terri McDonald, the Department continued its efforts to remove overflow bunks throughout the system. The bunks had been added within dayrooms and dormitories over the years to compensate for the overcrowded system, which took the Department well beyond its rated jail capacity. These efforts began before Prop 47 and have continued to this day for a total reduction of approximately 519 beds throughout Custody Operations.

The reduction of overflow bunks and unavailable beds to accommodate the mentally ill resulted in a total loss of 1,847 beds.

RESPONSE TO THE IDENTIFIED \$13.7 MILLION DEPARTMENTAL SAVINGS

The A-C calculated \$13.7 million in savings, which is documented in their report, by using the difference between the Average Daily Inmate Population (ADIP) from November 2013 to October 2014, and November 2014 to October 2015, which amounted to 1,840. This was then multiplied by the marginal bed rate of \$20.35, which was then multiplied by 365 (days in a year) and resulted in the amount of \$13.7 million.

The concern with this methodology is the Department had both a bed loss and a bed reduction of approximately 1,847 during the same time period that was largely due to the unprecedented rise in mentally ill inmates and not from Prop 47, which was shared with the A-C and reflected in their report. As a result of the dramatic increase in mentally ill-diagnosed inmates, the Department has experienced a corresponding increase in costs associated with ensuring that not only is there an appropriate amount of staff to ensure this population receives the care and supervision they need, but also that they receive the medication, treatment, and resources that is undoubtedly critical to their well-being. In light of these developments and cost increases, the Department is in the process of working with the Chief Executive Office in the hopes of obtaining financial relief to help offset these costs.

As it relates to the overflow bunks that were removed, it must be noted that these beds are routinely added and removed as the population ebbs and flows. Further, these beds/bunks are added to the system with no corresponding funding stream, so equating their removal as a "savings" is not accurate.

To reinforce the concerns with this methodology, the Department had to make numerous adjustments to the percentage of convicted inmate's time served since the passing of Prop 47; lowering from 70 percent to 40 percent for both males and females twice in 2015 (May/October). Likewise, the percentage of time served increased to 70 percent in November 2015. As of today, the Department has once again lowered the percentage release for females back to 40 percent. This is indicative of an inmate population that is still in flux and not static as some Prop 47 advocates contend. Because we have the capability of reacting quickly to a spike in bookings by adjusting our percentage release, these spikes are not always captured on a trend line. Consequently, our ADIP can be at times artificial and relying on a particular inmate count to develop a potential cost savings for Prop 47 would not be fiscally responsible or sufficiently reliable.

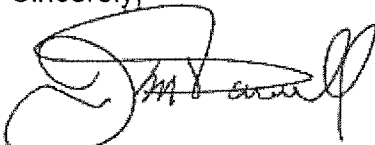
April 4, 2016

RESPONSE TO THE IDENTIFIED \$41.6 MILLION DEPARTMENTAL SAVINGS

The Department does not dispute the \$41.6 million savings as a hypothetical situation. The Department explained to the A-C that the only scenario in which the Department would actually see a cost savings is by closing a jail facility. Essentially, the Department indicated that if we were not an "early release" county and the population had stabilized after the drop in inmates, we may have been able to close a facility and, possibly, additional housing areas resulting in a fiscal year savings of \$41.6 million. Based on the benefits of the early release program through the Rutherford Decision, this scenario is not feasible.

Should you have any questions or require additional information, please contact me or Assistant Sheriff Kelly Harrington, Custody Services Division, at (213) 893-5001.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McDonnell", written over a large, stylized circular flourish.

JIM McDONNELL
SHERIFF

August 25, 2016

**Los Angeles County
Board of Supervisors**

Hilda L. Solis
First District

Mark Ridley-Thomas
Second District

Sheila Kuehl
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

TO: Supervisor, Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Mitchell H. Katz, M.D.
Director

Kimberley Guillemet, Esq.
Office of Reentry
Office of The Honorable Eric Garcetti,
Mayor of the City of Los Angeles

Mitchell H. Katz, M.D.
Director, Health Agency

Robin Kay, Ph.D.
Interim Director, Department of Mental Health

Cynthia A Harding, M.P.H.
Interim Director, Department of Public Health

**SUBJECT: REPORT ON RECOMMENDATIONS FOR
PROPOSITION 47 FUNDING**

313 N. Figueroa Street, Suite 912
Los Angeles, CA 90012

Tel: (213) 240-8101
Fax: (213) 481-0503

On December 1, 2015, the Board of Supervisors instructed the Director of the County's Office of Diversion and Reentry (ODR), in collaboration with the Manager of the City of Los Angeles Mayor's Office of Reentry to convene the appropriate stakeholders, including significant representation by community-based organizations and people previously incarcerated for offenses eligible for reclassification under Proposition 47 (Prop. 47), also known as *The Safe Neighborhoods and Schools Act*, to recommend a process and schedule for collaborating with regional stakeholders to prepare an application for forthcoming state grant funds, with a strong focus on promoting evidence-based interventions. We were directed to facilitate a community engagement process that included a minimum of three (3) town hall meetings to solicit input from County residents and stakeholders adversely impacted by the following: poverty and crime as defined by the United States Census Bureau Data on Poverty Thresholds; rates of unemployment and homelessness; concentrated populations of probationers, parolees, and juvenile offenders; and high rates of violent and non-violent crimes.

Proposition 47 Background

In November 2014, California voters approved Prop. 47, which reduced certain non-violent, non-serious drug and property crimes from felonies to misdemeanors. Specifically, six crimes were to be reclassified from felony/wobbler status to misdemeanor status: simple drug possession, petty theft under \$950, shoplifting under

"The mission of the Los Angeles County Health Agency is to improve health and wellness across Los Angeles County through effective, integrated, comprehensive, culturally appropriate services, programs, and policies that promote healthy people living in healthy communities."



\$950, writing a bad check under \$950, forging a bad check under \$950, and receipt of stolen property under \$950. However, the proposition excluded the following classes of offenders: those individuals with prior convictions for murder, rape or child molestation; individuals on the sex offender registry; and individuals with a prior forgery or identity theft convictions (excluded only from check crimes).

The enactment of Prop. 47 was expected to result in two significant benefits for the residents of California. First, the reduction of certain felonies to misdemeanors removed many barriers to employment, healthcare services, education, and other social services for individuals who previously experienced restrictions in those areas due to classification as felons. Secondly, the reduction of felony convictions to misdemeanors was expected to reduce the incarceration rate, thereby reducing the expense of incarceration incurred by state and local governments (approximately \$47,000 per person annually in California), which is expected to result in significant cost savings for the State of California. Per Prop. 47, the cost savings is to be used specifically for mental health and substance use treatment, truancy and dropout prevention among K-12 public schools students, and victim services.

Proposition 47 Town Hall Meetings

I. Planning Process

On February 29, 2016, in preparation for the town hall meetings, the ODR and the Los Angeles Mayor's Office of Reentry held a Prop. 47 planning meeting with key stakeholder groups. The community-based organizations (CBOs) in attendance provided insight and guidance on the best manner to engage other community members and solicit feedback on their perceived needs in the three areas for possible state funding under Prop. 47.

Stakeholders provided insight that helped inform our town hall format and approach. Key recommendations around best practices are incorporated into the latter portion of this report. Key recommendations around the structure and execution of the town hall meetings were as follows:

- i. Incorporate community members into the town hall planning process;
- ii. Give most impacted communities key speaking roles in town halls;
- iii. Utilize asset mapping;
- iv. Allow community vetting of report results prior to presentation to Board of Supervisors;
- v. Provide general educational overview of Prop. 47;
- vi. Utilize working groups to help ensure that everyone's voice is heard;

- vii. Time length should be between 90 minutes and two hours;
- viii. Town halls should be held either on weekday evenings after work and/or Sundays afternoons; and
- ix. A total of three (3) to four (4) town halls should be held.

We considered and incorporated the stakeholders' recommendations, as evidenced by the format, content and timing of the town hall meetings.

II. Town Hall Meetings' Location, Participation and Format

Our offices held six (6) town hall meetings throughout Los Angeles County in the areas with the highest levels of crime and poverty as follows:

Town Hall	Date	Place	Supervisory District	City of LA Council District
1	April 12, 2016	Ramona Hall Community Center	1	1
2	April 20, 2016	South Los Angeles Sports Activity Center	2	8
3	April 27, 2016	Chester Washington Golf Course	2	N/A
4	May 3, 2016	East Los Angeles Library	1	N/A
5	May 10, 2016	McBride Park, City of Long Beach*	4	N/A
6	May 12, 2016	Van Nuys City Hall/Marvin Brody Center	3	6

*Held in partnership with the Long Beach Department of Health and Human Services, California Endowment & Long Beach Mayor's Office.

All town halls were held on weekday evenings in accessible locations with free parking and light refreshments were served. On average, the town halls lasted two hours and had approximately 50-60 community members in attendance, with one of the town halls skewing high and one skewing low.

At each town hall meeting, Californians for Safety and Justice (CSJ), the authors of Prop. 47, provided presentations around the implications, intent and impact of the law. In addition, the Drug Policy Alliance, Legal Aid Foundation for Los Angeles, and Neighborhood Legal Services for Los Angeles County provided information about the legal process for felony reclassification pursuant to Prop. 47. The Advancement Project also provided informative asset mapping presentations that explained the resources currently available in the specific community in which each town hall was being held.

We also had the strong support and participation of several community-based organizations (CBOs) throughout this process. Leaders from the following CBOs served as break-out group facilitators and presenters at the meetings:

- A New Way of Life
- Bend the Arc
- Californians for Safety and Justice
- CAST
- Coalition for Responsible Community Development (CRCD)
- Communities in Schools
- Community Coalition
- Drug Policy Alliance
- Homeboy Industries
- LA VOICE
- Legal Aid Foundation of Los Angeles
- Los Angeles Regional Reentry Partnership (LARRP)
- Neighborhood Legal Services for Los Angeles County
- SCOPE
- The Advancement Project

We also had in attendance representatives from the following public agencies:

- Los Angeles County Public Defender
- Los Angeles County Alternate Public Defender
- Los Angeles County District Attorney
- Los Angeles County Probation Department
- Los Angeles County Sheriff's Department
- Los Angeles County Community and Senior Services
- Los Angeles County Department of Public Social Services
- Los Angeles County Department of Mental Health
- Los Angeles County Department of Public Health
- Los Angeles County Department of Child Support Services
- Los Angeles Chief Executive Office
- Los Angeles Police Department
- Los Angeles City Mayor's Gang Reduction & Youth Development Department
- Los Angeles City Council District 8
- Los Angeles City Council District 9
- Los Angeles City Council District 15

III. Recommendations and Priorities

The town hall meetings provided insights into the many needs of the communities we visited. The balance of this report provides the community's recommendations and priorities for applying for State funding pursuant to Prop. 47 to support the County's investment in (1) community-based mental health and substance abuse treatment; (2) truancy and dropout prevention among K-12 public school students; and (3) victim services based on the input received at the meetings.ⁱ

Community-Based Mental Health and Substance Abuse Treatment

It is well-settled that the behavioral health needs of those engaged in criminal behavior must be effectively addressed in order to realize positive outcomes in crime rates and recidivism. This is especially true for Prop. 47 offenses because drug and alcohol use are implicated in both the drug-related offenses themselves, as well as in property offenses where individuals often steal to support a substance use disorder. Moreover, when individuals have unaddressed mental health needs, they often attempt to self-medicate through drug and alcohol abuse.

When behavioral health needs are unaddressed, we see cycles of recidivism that spiral out of control. Indeed, a study has reflected that when individuals are released from incarceration back into the community with untreated or inadequately treated behavioral health needs, most will return to a life of drug and alcohol use and crime, typically committing as many as 100 offenses annually, often to support a substance use disorder.ⁱⁱ Conversely, when convicted individuals with substance use disorders complete substance use disorder treatment during and post incarceration, they recidivate at a rate of 37% lower than those who do not participate in treatment programs.ⁱⁱⁱ Moreover, when convicted individuals with mental health disorders receive adequate mental health treatment, they recidivate at a rate of 80% lower than those who do not.^{iv} When those in treatment are stably housed, and not homeless, recidivism rates drop even further.

Community members often observe first-hand the negative outcomes associated with untreated behavioral health needs. They also know their respective communities' areas of highest need. The community identified the following areas where funding is critical for this population:

- i. **Reentry Services:** Community members observed that individuals with behavioral health needs were often released back into the community with their mental health or substance abuse needs still unaddressed. In situations where individuals had received some treatment while incarcerated, the community noted that there was no treatment continuity

post release. The community recommended a focus on trauma-informed care, counseling and case supervision that links services from in-custody to the community upon reentry.

- ii. **Wrap-Around Services:** The community observed that there are limited providers that offer wrap-around services for those with substance abuse disorders and mental illness. While receiving treatment is important, the community stresses the need for programming that treats the needs of the population as a whole and is not one-sided. Specifically, if healthcare is addressed, but an individual has no access to other wrap-around services such as family reunification, housing, jobs, education and social engagement support, an individual's health will decline despite access to healthcare treatment. Programs such as the Texas Offender's Re-entry Initiative and Volunteers of America Los Angeles offer models for community based wrap-around services for adults re-entering society.
- iii. **Treatment Housing:** There is a shortage of housing dedicated to mental health and substance abuse treatment for individuals who have co-occurring disorders. One barrier to seeking and staying in treatment is the lack of treatment options with housing. Community participants noted that providing treatment without stable housing was ineffective. One frequent recommendation was to partner with organizations that provide this specialized treatment and develop housing options that could be connected to these clinical service providers.
- iv. **Service Accessibility & Outreach:** Community members observed that available clinical services are not well advertised nor are they provided in a client-centered, accessible manner. A key recommendation was to increase field-based clinical mental health and substance use disorder services to help people transition from incarceration or homelessness into board and care and/or sober living facilities. A key aspect of making services accessible was to provide transportation and locate services on regular transportation routes throughout Los Angeles County.
- v. **Trauma-Informed Care:** Trauma-informed care is a priority that crosses over all three of the areas for potential funding. For the purposes of this report, a traumatic event is an experience that causes physical, emotional, psychological distress, or harm. It is an event that is perceived and experienced as a threat to one's safety or to the stability of one's world. Trauma can result from violence; death/loss of life/bereavement; war; sexual, physical and mental abuse; as well as mistreatment. The correlation between the experience of a traumatic event and the development of a mental health condition and/or substance abuse disorder is well-documented. The community cited the need for an increase in the number of providers and resources for trauma-informed

care not only for the formerly incarcerated population, but for children of formerly incarcerated parents and their support network. The first recommendation is that trauma-informed care begin in the jails to assist those individuals in custody. Upon release they can be linked to a capable and high quality provider to continue trauma-informed treatment. The second recommendation is to integrate trauma-centered treatment into schools for students to receive services while in a safe learning environment. There have been several successful programs implemented across the country that have instituted in-school counseling for post-traumatic stress disorder and have yielded success for student participants. Further development of programs and training for providers on trauma-centered treatment is essential to the well-being of our communities and those impacted by Proposition 47.

- vi. ***Stigmas Related to Behavioral Health:*** A key barrier identified was that in many underserved communities, a stigma exists around being identified as someone with a behavioral health need. There are additional stigmas around accessing or receiving behavioral health treatment. A key recommendation was to provide public education on mental health and substance abuse needs and the value of rehabilitation and treatment.
- vii. ***Partnerships with the Community:*** Community members recommended that re-entry service providers and government entities develop stronger relationships and partnerships with CBOs in order to more effectively engage the community and facilitate the collaboration and delivery of services.
- viii. ***Juvenile Mental Health Services:*** Community members observed that there was a lack of programming available to address juvenile mental health and substance abuse needs. Attendees suggested that efforts be made to increase juvenile mental health programming upon release and to incorporate family support as a crucial component of treatment.
- ix. ***Variation in Treatment Programs:*** Community members stressed the need for different types of treatment programs because not every individual will need treatment in the same manner. They referred to an overwhelming number of programs that operate on the "one size fits all" approach and do not effectively address the issues faced by each specific individual. Specifically, they recommended that a range of treatment programs and approaches be offered to meet the varied needs of the population.

Truancy and Dropout Prevention Among K-12 Public School Students

The California State Legislature defines truancy as “a student missing more than 30 minutes of instruction without an excuse three times during the school year.”^v In the 2014-2015 school year, the California Department of Education reported that Los Angeles County had an overall truancy rate of 31.42%, which is very close to the statewide average of 31.43%.^{vi} However, the 3.5% dropout rate for students in the 9th through 12th grades in the County of Los Angeles is higher than the statewide rate of 2.8% and is more prevalent in certain communities as follows: American Indian (7.0%); African American (5.3%); Hispanic (3.9%); and Pacific Islander (3.5%).^{vii} This is a serious problem for our cities and County. Moreover, the disproportionate rate at which students from underserved minority communities are not participating in their secondary education reflects a systemic failure.

The parties that are best positioned to speak to the detrimental impact of these high truancy and dropout rates are the community and the organizations that work tirelessly to develop programs to assist this population. The community representation at the town hall meetings provided essential insight into the underlying issues that drive the high truancy and dropout rates among Los Angeles County's students. The community identified the following areas where funding is critical in order to reduce truancy and dropout rates among this high risk population:

- i. **Language Barriers:** With a sizable immigrant population residing in Los Angeles County, language barriers cause a “disconnect” between parents and teachers in identifying issues and solutions for students. The development of parental translation services, “English as a Second Language” courses for parents, or the development of community health worker programs geared toward assisting immigrant parents in educational system navigation would be helpful in addressing the prevalent language barrier.
- ii. **Gang Intervention:** In the last decade, parents and teachers have seen a significant drop in school district-facilitated gang intervention programming before, during, and after school. These types of programs (such as the City of Los Angeles’ Gang Reduction & Youth Development [GRYD] Program) have shown success in the reduction of gang involvement and school dropout rates, and also help to develop stronger emotional and social skills. It should be noted that a robust integrated program that not only offers school-centered services, but community programming, is necessary to continue to provide alternatives to gang life. Additionally, providing services such as tattoo removal, workforce development, and self-empowerment training are a few critical, key elements that should be included in gang intervention programs. In

addition to GRYD, there are other community-based organizations that are actively developing and leading effective educational and extracurricular after school programs.

- iii. ***Trade Programming for High School Students:*** Another barrier contributing to the truancy and dropout rates among middle and high school students is the lack of programming for trade skill development and other alternatives to college. Community members expressed interest in the development of pathways to trade-based careers and trade-skill training in high schools. This type of programming would make students aware of other tangible career pathways outside of the traditional college route. It would also assist students in developing the necessary skills to establish a career beyond high school, so that they graduate from high school "career ready" and employable.
- iv. ***Collaboration between Local Government, Community Organizations, School Districts and Law Enforcement Agencies:*** Community participants at the town hall meetings feel that strong systems are not in place for the above-listed entities to talk and transfer information pertaining to juveniles. One recommendation is to develop intentional coordination through an entity or centralized office that would facilitate coordination of various points of transition in a young person's life, such as the point of reintegration back into the school system after absenteeism, or engagement of youth when they are most at risk of dropping out or engaging in criminal behavior. There have been some notable examples across the country of successful partnerships between the various entities in developing not only wrap-around services for youth re-entering the community, but also assisting with their transition back into the educational system. For example, programs, such as Oakland Unite and One Summer Chicago Plus Program, have offered youth who have either been involved with the juvenile justice system or who have been truant access to wraparound services.
- v. ***Mentorship Programs:*** Years of research have affirmed the effectiveness of mentorship programs. Mentorship programs are essential in that they not only provide a pro-social support network for students, but also assist in teaching successful life navigation and introducing youth to desired career pathways. These types of programs not only build the confidence of students, but positively contribute to their lives beyond high school. Additionally, mentorship creates opportunities to provide counseling, tutoring and guidance to youth who otherwise may not engage in such services.
- vi. ***Unwarranted School Discipline:*** In the last decade we have seen a shift where the predominant school culture supports suspension and expulsion

as the primary solution to students' behavioral problems. The community participants advocated that funding be used to train school officials on the identification of the difference between the exhibition of behavior that poses a public safety concern and warrants exclusionary discipline, as opposed to behavior resulting from a learning disability, trauma and/or other difficulties that may be causing a student to act out in school and can be addressed through a clinical or supports-based intervention. If these issues can be identified and addressed earlier in a student's educational career, then the proper educational services and resources can be provided to the student and their families. Additionally, community members stressed the need to have access to legal resources and education pertaining to their children's educational rights so that they can advocate properly for their children's needs.

Victim Services

Victim Services have traditionally been focused on supporting victims of crime. However, of late, there has been an expansion of the way in which we think about victim services to include addressing the needs of the community and also engaging the criminally involved population through a restorative justice framework. Although the needs of the primary victims should remain the primary focus of service delivery after traumatic events, the community stressed that often times the individuals committing the crimes are also the victims of some type of past trauma or crime themselves. The community raised the following common themes surrounding the needs for funding in the area of victim services:

- i. ***Knowledge of Resources:*** The community cited a lack of awareness of the array of victim services available to victims of violent acts. They stressed that there should be more advertisement of the types of services available, both in the community and through governmental entities. Additionally, the process to apply for the services must be streamlined to make the services easier to access.
- ii. ***Eligibility Criteria of Victim Services:*** Traditionally, victim services programs have been designed to only offer services for victims, and not the perpetrator, who might themselves have experienced a traumatic experience, which ultimately led to their commission of certain crimes. Data, anecdotal and otherwise, reflects that most offenders of violent crimes were at one time victims themselves. The community repeatedly stressed the need for victim services for the formerly incarcerated population. One specific recommendation was to expand the scope of victim services eligibility criteria to include victims of crime that might have at one time been offenders. Additionally, there should be an alternative service pathway for diverse communities who may be reticent to access

services provided through governmental entities, such as gang-affiliated individuals and undocumented persons.

- iii. ***Trauma Training in the Community:*** Community members cited a lack of training in trauma support and treatment services available to community members who are well-positioned to provide support and outreach. Many community members, including formerly criminally involved individuals, experience stressful events rising to the level of trauma on a daily basis. One recommendation was to train formerly incarcerated individuals and other community members in the provision of post-traumatic services and pair them with local law enforcement, schools and community-based organizations to provide immediate, on-site assistance following a violent criminal act. This would help facilitate the healing process because it would afford the victim or their family members the opportunity to speak to someone who might have at one time been similarly situated and who is well-positioned to help the victim begin to heal and cope with the post-traumatic stress and emotions experienced due to the traumatic event.
- iv. ***Streamline the Restitution Process:*** Community members recommended that the County develop a task force charged with evaluating the restitution process and providing recommendations on how to streamline the process to make it easier for victims to access those resources.
- v. ***Victim Housing:*** The community expressed an increased need for safe and secure housing and/or housing relocation funds for victims of crime.

Additional Miscellaneous Recommendations

In addition to the robust previous lists of priorities and recommendations provided by the community for each of the three funding areas, community members also raised the following more generalized recommendations:

- i. ***Access to Legal Services:*** Generally speaking, the Prop. 47 population can benefit from increased legal education and resources, as well as general access to legal representation that can assist them in addressing various collateral consequences of conviction that they may be experiencing.
- ii. ***Cultural Competence & Relevance:*** Community members identified cultural competence and cultural relevance as a necessity for effective service delivery.

Other more generalized recommendations around the manner in which funds are awarded, organizations are vetted, and contracts are developed, would fall under

the purview of the RFP development process which is governed by the BSCC's Executive Steering Committee at the State level.

IV. Conclusion

The town hall meetings not only provided us with the opportunity to hear from the community in general, but more specifically, allowed us to hear directly from those most heavily impacted by Prop. 47. As reflected by the above-listed recommendations, the community's input was both insightful and thoughtful. In addition, it is important to note that the town halls were not just beneficial to our respective offices as we worked to develop this report, but that the community consistently expressed that they benefited from the process as well. At each town hall meeting, community members expressed their appreciation for the opportunity to articulate their view points and concerns around this issue. For many of them, the town hall meetings were their first foray into civic engagement and it meant a great deal to them to know that their elected officials were interested in their input and voice.

We are committed to the development of innovative partnerships and programming to assist the community and individuals eligible for reclassification under Prop. 47 in strengthening our neighborhoods. Overall, based on the input received from the town hall meeting attendees and stakeholders, it is the recommendation of the County ODR and the City of Los Angeles Mayor's Office of Reentry that the applications for Prop. 47 funds for which our local units of government may apply, be coordinated with community-based organizations directly, or with community stakeholders in general, that have a track record of effective service provision and engagement in community-based mental health and substance abuse treatment, truancy and dropout prevention, and victim services, as articulated in more detail in the former portions of this report.

In closing, we want to express our gratitude to the hundreds of people who took time away from families and out of their evenings to help contribute to the content of the report. The community members brought a richness of perspective and passion that made the town hall meetings a true success. To the communities that hosted us and the individuals who represented not only their own voice, but the voices of their families, friends and neighbors, we offer our deep felt thanks.

MHK:MG:KG:nr

cc: Chief Executive Office
County Counsel
Executive Office Board of Supervisors

Notes

ⁱ In the section, we highlight nationally-recognized programs that provide effective models for various service areas. While there are several highly-regarded programs and community-based organizations providing services in our region, we have intentionally refrained from specifically highlighting any of them as examples in this report in the interests of various considerations.

ⁱⁱ Fighting Crime by Treating Substance Abuse, located at: <http://issues.org/15-1/belenk/>.

ⁱⁱⁱ Patients discharged from medium secure forensic psychiatry services: reconvictions and risk factors, located at: <http://bjp.rcpsych.org/content/190/3/223.long>.

^{iv} Substance Abuse Programs Reduce Recidivism, located at:
<http://www.corrections.com/news/article/22508-substance-abuse-programs-reduce-recidivism>.

^v The California Department of Education, located at: <http://www.cde.ca.gov/ls/ai/tr/>

^{vi} The California Department of Education, located at:
<http://dq.cde.ca.gov/dataquest/SuspExp/TruancyReport.aspx?cChoice=TruRate&ReportCode=TruRate&cType=All&cName=LOS.ANGELES&cCounty=19&cCds=19000000000000&cYear=2014-15&cLevel=County>.

^{vii} The California Department of Education, located at:
<<http://dq.cde.ca.gov/dataquest/DropoutReporting/DrpGradeEth.aspx?cDistrictName=LOS%20ANGELES&CDSCode=1900000000000000&Level=County&TheReport=GradeEth&ProgramName=All&cYear=2014-15&cAggSum=CTotGrade&cGender=B>>